HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.4956 of 2005

17-08-2005

Between:

Kona Nageswara Rao

…Petitioner.

And

The Mandal Revenue Officer, Jalumuru Mandal,

Srikakulam District and others.

…Respondents.

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ORDER :

The second respondent herein by letter dated 19-11-2004 informed the first respondent that the petitioner herein and one K.Seetharam, who are the owners of Tractors and Drivers, were entrusted with the work of transporting the essential commodities at Stage-II at the rates mentioned therein. However, the Mandal Revenue Officer, first respondent herein, by Memo dated 28-2-2005 cancelled the orders of the second respondent and granted permission to the fourth respondent to carryout the transportation of essential commodities. The Memo issued by the first respondent is assailed in the present writ petition. This Court while admitting the writ petition on 11-3-2005 passed interim order of *status quo* as on that date. The second respondent has now come forward with a counter affidavit by filing an application being WVMP.No.1987 of 2005.

In the counter it is stated that the A.P. State Civil Supplies Corporation has recently called for the tenders to engage regular contractors for a period of two years and that the tenders were also finalized accepting the lowest rates. However, in respect of two Mandals, namely Jalumuru and Sompeta, the tenders could not be finalized due to the pendency of the writ petition.

Though interlocutory applications are listed for hearing, the matter is heard finally with the consent of the parties and is being disposed of.

It is not denied before this Court that the most transparent method of entrusting the work or for procuring services by the State would be by calling competitive bids. Such tenders should be called by the competent authority. The Mandal Revenue Officer is not competent either to engage the contractors or terminate the contracts. Presumably, for the reason that the tendering process might take some time, the second respondent on 19-11-2004 engaged the services of the petitioner. Curiously, the first respondent, who has nothing to do with the administration of the State Civil Supplies Corporation issued the impugned Memo without any power or jurisdiction. For this reason alone, the impugned Memo has to be set aside.

Therefore, writ petition is disposed of giving liberty to the A.P.State Civil Supplies Corporation to call for the tenders for appointment of Stage-II Transport Contractors for Jalumuru Mandal, Srikakulam District, for the supply of essential commodities.

This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. In the meanwhile there shall be *status quo* as on today.

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(V.V.S.RAO, J.)

17-08-2005

Msr.

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(Msr)